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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/501,514	04/28/2005	Pablo Zom	04-572	4433
20306 7590 02/25/2008 MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP 300 S. WACKER DRIVE 32ND FLOOR CHICAGO, IL 60606				
EXAMINER BELOUSOV, ANDREY				
ART UNIT		PAPER NUMBER		
2174				
MAIL DATE		DELIVERY MODE		
02/25/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/501,514

Applicant(s)

ZOM ET AL.

Examiner

ANDREY BELOUSOV

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is in responsive to the amendment filed on 12/20/2007. Claims 1-25 are pending and have been considered below.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2-7, 12, 13-18 and 22-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Kanefsky (2002/0032750.)

Claim 1, 12, 22, 23, 24, 25: Kanefsky discloses a Server (Fig. 1: 130, 110) for offering an internet portal comprising

- a. a menu comprising menu-items to a mobile terminal (Fig. 1: 160) comprising a transmitting module for transmitting a portal signal to said terminal (par. 0027), which
- b. portal signal comprises menu-item signals each for displaying at least a part of a menu-item on a display of said terminal (par. 0032, 0033), with
- c. said portal signal comprising said menu-item signals being stored in said server (par. 0045, Fig. 2: 270), and

- d. a receiving module for receiving an activation signal from said terminal for activating a menu-item (par. 0028, Fig. 2: 122), which
- e. activation signal comprises a menu-item code (i.e. identifier, par. 0050, 0057, 0058) defining a menu-item, wherein at least some of said menu-items each are linked to at least two sub-menu-items (par. 0062: "number of URLs"), with
- f. said server comprising a generating module for generating (Fig. 2: 210, 240, 250), in response to a first menu-item code, sub-menu-item signals each for displaying at least a part of a sub-menu-item of a first menu-item on said display (par. 0052, 0053), and for
- g. generating, in response to a second menu-item code, sub-menu-item signals each for displaying at least a part of a sub-menu-item of a second menu-item on said display (par. 0057), with
- h. at least most of said sub-menu-items of said first menu-item being personalized (par. 0038, 0039, 0059), and with at least most of said sub-menu-items of said second menu-item being non-personalized (par. 0036.)

Claim 2, 13: Kanefsky discloses the server according to claim 1, wherein said server comprises an addressing module for, in response to a receival from said terminal of a further activation signal comprising a sub-menu-item-code defining a sub-menu-item, addressing a service provider for coupling said terminal to said service provider (par. 0049.)

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Claim 3, 4, 14, 15: Kanefsky discloses the server according to claim 1, wherein server comprises a supplying module for, in response to a receival from said terminal of a further activation signal comprising a sub-menu-item code defining a sub-menu-item of a third menu-item, supplying time-dependent information stored in said server from said server to said terminal (par. 0036, 0054, 0055.)

Claim 5, 6, 7, 16, 17, 18: Kanefsky discloses the server according to claim 1, wherein said server comprises an adjusting module for, in response to a receival from said terminal of a further activation signal comprising a sub-menu-item of a fourth menu-item, allowing adjustment of user-dependent information stored in said server in dependence of a receival of an adjustment signal originating from said terminal (par. 0038, 0039, 0058, 0059.)

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 8, 9, 10, 11, 19, 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanefsky.

Claim 8, 9, 10, 11, 19, 20, 21: Kanefsky discloses the server according to claim 1, wherein five menu-items offer time-dependent information, personalized services, non-personalized services, adjustment of user-dependent information and help (Fig. 4: 420.) Kanefsky does not explicitly disclose that the menu items are in this particular order on said display. However, the menu items disclosed in Kanefsky could have been ordered in this particular order with no change in their respective functions, and would have yielded predictable results to one of ordinary skill in the art at the time of the invention. Additionally, this particular order of menu items is a mere design choice, imparting no added unusual or unforeseen functionality.

Response to Arguments

6. Applicant's arguments filed 12/20/2007 have been fully considered but they are not persuasive. Applicants' argument that "Kanefsky does not disclose the use of sub-menus linked to menus," has been fully considered but is not persuasive. As recited above:

- a. said server comprising a generating module for generating (Fig. 2: 210, 240, 250), in response to a first menu-item code, sub-menu-item signals each for displaying at least a part of a sub-menu-item of a first menu-item on said display (par. 0052, 0053), and for
- b. generating, in response to a second menu-item code, sub-menu-item signals each for displaying at least a part of a sub-menu-item of a second menu-item on said display (par. 0057).

the "generating module" of claim 1 is disclosed in Kanefsky as elements 210, 240, 250, such as the "Controller" "Deck Manager" or "Script Processor." As the applicant does not explicitly define the specific implementation of a "generating module," then given the context of the claim language the likely reasonable interpretation of such a generating module could be a hardware component such as a controller (Fig. 2, 210) or software module akin to a manager or a processor, (Fig. 2, 240, 250) with capability to generate, "in response to a first menu-item code, sub-menu-item signals each for displaying at least a part of a sub-menu-item of a first menu-item." The "first menu-item code" is disclosed in Kanefsky as an identifier contained in an initiation signal (par. 49), and given such an identifier the deck manager retrieves and "one of the pre-existing menus to the wireless device" (par. 57.) Furthermore, such pre-existing menu is hierarchical in nature such that it contains further submenus:

"first pre-existing menu database where each entry can describe the organization of a particular menu, i.e., a hierarchical organization of the root folder and subsequent deck" (par. 52.)

As depicted in Fig. 4, this hierarchical menu structure can be navigated to linked submenus, as the user navigates about the menu, "the server 130 can monitor and report every navigation operation that the consumer performs" (par. 58.) In response to which, the server generates a response (par. 59) so as to return a sub-menu, such as a list of messages for the user to select from (par. 61.)

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Belousov whose telephone number is (571) 270-1695. The examiner can normally be reached on Mon-Fri (alternate Fri off) EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3800.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AB
February 16, 2008

/David A Wiley/

Supervisory Patent Examiner, Art Unit 2174